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EXAMINER

KYLE, CHARLES R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/712,358

**Applicant(s)**

FITZPATRICK ET AL.

**Examiner**

Charles R Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2000.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/29/2001.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It recites the phrase "inventor-mediated"; it appears that "investor-mediated" is intended.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 1-3, 5, 8-12 and 14-15** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Claims recite presented information but it is not clear that the interface comprises any technological (hardware or software) element.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-9 and 13-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,064,984 *Ferguson et al* in view of US 6,195,647 *Martyn et al*.

**As to Claims 1-5**, see the discussion of Claims 16-20.

**With respect to Claim 6-7**, see the discussion of Claims 23-24.

**With respect to Claim 8**, see the discussion of Claim 22.

**With respect to Claim 9**, see the discussion of Claim 25.

**With respect to Claim 13**, *Ferguson* does not specifically disclose an investor monitoring system as claimed. *Martyn* discloses applications for trading participation and monitoring at Abstract Fig. 3, "Dynamic Quote" and Col. 5, line 44 to Col. 8, line 59. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of *Ferguson* with the applications for trading participation and monitoring disclosed by *Martyn* because this would provide investors a way to participate in and monitor trading for financial planning purposes.

**Concerning Claim 14**, *Ferguson* discloses a financial planning application at Brief Summary of the Invention.

**Concerning Claim 15**, see the discussion of Claim 21.

**With respect to Claim 16**, *Ferguson* discloses the invention substantially as claimed including in a network based Col. 4, lines 53-63) financial service system (Background of the Invention), elements of:

A client computer having Internet access (Figs. 2-3; Col. 5, line 57 to Col. 6, line 45; Col. 6, lines 34-45);

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a toolbar (Col. 8, lines 7-30);  
at least one view window for presenting information from at least one  
of an application and a market data function (Figs. 12 and 13; Col. 13, lines 9-43); and  
a server having access to a plurality of applications accessible from  
the browser interface via Internet access (Col. 6, lines 34-45).

While *Ferguson* discloses the use of menus in a financial service system, it does not specifically disclose menus for presenting application or market data functions. *Martyn* discloses such menus at Fig. 3 and Col. 4, line 46 to Col. 13, line 10, particularly Col. 4, line 46 to Col. 5, line 43. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the detailed menu driven functions of *Martyn* to the system of *Ferguson* because this would provide an easy-to learn and easily used tool for access to application or market data functions for financial planning purposes.

**Concerning Claim 17,** *Ferguson* discloses opportunities and investment products functions at Co. 4, line 64 to Col. 5, line 35. *Ferguson* does not specifically disclose menu selections comprising client information, management, operations and support. *Martyn* discloses these common financial service functions as menu selections comprising client information (Fig. 3, "Setup Logon ID's"), management (Fig. 3, "Trade Management"), operations (Fig. 3, "Order") and support (Fig. 3, "Help"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the financial system of *Ferguson* with the addition of the menu features disclosed by *Martyn* because this would provide additional

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information to traders in rapidly changing securities markets, as set forth by *Martyn* at Background of the Invention.

**With respect to Claims 18 and 19,** *Ferguson* discloses a market data function window (Fig. 13, right hand window, "Stock Funds...") and an application window (Fig. 13, left hand window, "College Funding..."). Additionally, the use of multiple open windows in a browser application was old and well known at the time of the invention. As to the limitation in these claims that market data is real time, *Martyn* discloses real time function at Col. 5, lines 45-56. To add such function to *Ferguson* would be obvious to provide timely information for investment decisions.

**Concerning Claim 20,** *Ferguson* discloses a scratchpad application selector for information transfer between applications at Fig. 13, "Copy" icon in the third line, fifth icon from left.

**Concerning Claim 21,** *Ferguson* discloses online portfolio selection at Fig 12., inset window, "College Funding". Research and client inquiry are met as "Help" in Fig. 12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Ferguson* to include a web site feature selection because this would have provided the user an organized and quick means to locate sites of particular interest.

**Concerning Claim 22,** *Ferguson* discloses applications on a toolbar at Fig. 6 and Col. 8, lines 7-30. Access to market data via a toolbar would be obvious for user convenience.

**With respect to Claim 23,** *Ferguson* discloses authentication login and user entitlements at Col. 5, lines 36-56. See also *Martyn* at Fig. 2.

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**With respect to Claim 24**, *Ferguson* discloses user preferences to customize an interface at Col. 8, lines 7-30. *Ferguson* does not specifically disclose population of a browser interface based on user entitlements and preferences. Official Notice is taken that such population on logon was old and well known at the time of the invention. For example, user preferences allowed users to specify features particular to a user on startup of an application.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Ferguson* to include population of browser fields based on entitlements and preferences because this would provide appropriate access and convenience to a user.

**As to Claim 25**, *Ferguson* discloses view windows including particular functionality at Fig. 9, slider functions for various college costs. See also related text. As well, *Martyn* discloses this limitation at Fig. 5, ele. 5088.

**Claims 10-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,064,984 *Ferguson et al* in view of US 6,195,647 *Martyn et al* and further in view of *AOL in a Nutshell: A desktop Guide to America Online (TM)* hereinafter *AOL*.

**Concerning Claim 10**, *Ferguson* discloses the invention substantially as claimed. See the discussion of Claim 1 above. *Ferguson* does not specifically disclose a favorites menu in a browser. *AOL* discloses this limitation at page 286. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Ferguson* to include a favorites menu because this would have provided the user an organized and quick means to locate sites of particular repeating interest.

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**With respect to Claim 11**, *Ferguson* does not disclose that the menu includes applications. *AOL* discloses this limitation at page 286 Fig. 17-1, "Banking Center" and other menu items. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include such menu application items to the invention of *Ferguson* because this would have provided the user quick access to financial applications. Addition of market data selection would be obvious to provide quick access to market data for investment decisions.

**As to Claim 12**, see the discussion of Claim 11. *AOL* further discloses a configuration setup selection at page 287, "Adding a Favorite: Just a Click away". Opening and closing of windows within the browser is read to constitute selection of split screen functionality.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk  
April 27, 2004

Examiner Charles Kyle